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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,761	12/30/2003	Yakov Rozenfeld	YR--1-gw	9112
7590 05/02/2006			EXAMINER	
Michael I. Kroll 171 Stillwell Lane Syosset, NY 11791			MATTHEWS, TERRELL HOWARD	
			ART UNIT	PAPER NUMBER
			3654	
DATE MAILED: 05/02/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/747,761

Applicant(s)

ROZENFELD, YAKOV

Examiner

Terrell H. Matthews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

### DETAILED ACTION

Claims 1-13 are pending in the instant application.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (2832436).

Referring to claim 1. Roberts discloses a "Stair Elevator" as claimed. See Figs. 1-35 and respective portions of the specification. Roberts further discloses a stairway for providing a plurality of stairs from a lower level to an upper level, said stairs having a first step (11) having a top surface wherein the top surface of the first step is disposed contiguous with and at the same elevation as the lower level, where the stairs have a top step having a top surface wherein the top surface of the top step (10) is disposed contiguous with and at the same elevation of the upper level and where the first step is being disposed at the front of the stairway (See Fig. 1); a movable step being disposed in a first position on the front of the first step so that the top surface of the movable step is at the same elevation as the top surface of the first step, wherein the movable step is movable to a second position so that the top surface of the movable step is at the same

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elevation as the top surface of the top step (See Col. 9 Col. 1-12, Col 10 l. 55-57 & Fig. 1); means for moving (35) (See Col. 7 l. 35,) the movable step whereby the movable step is moved from the first position to the second position; and means (166) for controlling the movable step whereby the operation of the movable step as it moves back and forth between the first position and the second position is controlled by a user (See Col. 13 l. 5-12). Roberts does not disclose a handrail disposed on a first and second side of the stairway. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Roberts to include a handrail disposed on each side of the stairway so the user could grab the handrail for additional support to gain stability, increase safety, and lessen the chances of accidental injuries.

Referring to claim 2. Roberts discloses a stringer (B) being disposed on a side of the stairway, a track being disposed in the stringer, the stringer being elongated and extending from the lower level to the upper level (See Figs. 1,3,16); a plurality of casters (73,74) disposed on the first and second end of the movable step, wherein the casters travel in the tracks so as to allow the movable step to move from the first position to the second position (See Col. 9 l. 3-13 & Figs. 1,16). Roberts does not disclose that the stringer is disposed on both sides of the stairway. It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Roberts to include a stringer disposed on both sides so that the movable step could be more balanced and provide more stability when being transferred up and down the track.

Referring to claims 10-13. Roberts discloses a control unit (166) that includes a start, stop, and motor-direction switch. Roberts does not disclose a step call-up switch an auto return switch, or a upper and lower stop switch. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Roberts to include a call up and auto return switch so that the apparatus was more users friendly and could accommodate the users needs. It would have been obvious to add a call up button so that if someone was on top step they could send for it to bring them down, as well as an auto return switch so that if there were more than one person the step would automatically return. It should be noted that it is generally understood in the field of art to provide lifts with switches to control their movement i.e. call buttons, auto return and stop/start.

Claim 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (2832436) in view of Wood (5050708)

Referring to claims 3-7. Roberts discloses an electric motor (35). Roberts does not disclose an electric motor being adapted to rotate a cable spool having a first end connected to the cable spool and a second end connected to a movable step or at least one pulley being disposed adjacent to the first end top step, wherein the cable travels on the pulley so that the movable step moves from the first to the second position in response to the cable spool being rotated. Wood discloses a "Wheelchair Transfer

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Mechanism” as claimed. See Figs. 1-6 and respective portions of the specification.

Harrison further discloses an electric motor (56) being adapted to rotate a cable spool; a cable (76) having a first end connected to a cable spool (72) and a second end connected to a movable step (29) (See Fig. 2); and at least one pulley (52) disposed adjacent to the first end of the top step, wherein the cable travels on the pulley so that the movable step moves from the first position to the second position in response to the cable spool being rotated by the motor (See Col. 3 l. 34 – Col. 4 l. 11). Wood further discloses a chain (68) and sprocket drive mechanism (58,59) for connecting the motor (56) to the cable spool to permit the cable spool to turn in response to the motor as well as that the cable spool, cable, and pulley are disposed on the first and second side of the stairway for connection to the first and second end of the movable step so as to move the movable step from the first position to the second position (See Figs 1,4-5). Additionally, Wood discloses an ascension and dissension switch for controlling the movement of the movable step (29) (See Col. 4 l. 38-43). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Roberts to include the teachings of Wood and include a cable and pulley mechanism as the moving means for the movable step so that the movable step could be moved up and down in an efficient and effective manner which could be constructed and repaired easily.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts (2832436) in view of Wood (5050708) in further view of Oglesby (6783482).

Referring to claim 8. Oglesby discloses a "Treadmill Control System" as claimed. See Figs. 1-13 and respective portions of the specification. Oglesby further discloses a pressure-sensing switch (76) being disposed on a top surface of a movable step (30) so that the movable step moves on while a user is standing on the movable step (See Col. 4 l. 62-65). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Roberts to include the teachings of Oglesby so that a pressure-sensing switch was added so that the apparatus was safer and more user friendly and therefore could only be activated when a user was located on the step.

Referring to claim 9. Oglesby discloses the invention as described above except for a resistance sensor being disposed on the first and second handrail, since it has been held that rearranging parts on an invention involves only routine skill in the art. It would have been obvious to a person of ordinary skill in the art at the time of the invention to locate the pressure sensor as taught by Oglesby in the handrails to provide an additional safety measure in which the movable step would only be operated if the handrails were grasped.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abraham (5482153) discloses an "Operation Panel For a Passenger Conveying Device" comprising a stop, on/off, and direction control switches.

Born (4438830) discloses a "Stairway Power Lift" comprising pressure sensitive stairs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THM



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